

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1331.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DESICCATED EGGS.

On August 12, 1910, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel which was subsequently amended, praying condemnation and forfeiture of six drums containing 200 pounds each of desiccated eggs stored in the warehouse of the Merchants Refrigerating Co., New York City.

Examination of two samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed one to contain 77,000,000 bacteria, including 10,000,000 of the gas-producing type, and the other to contain 55,000,000 bacteria, of which 1,000,000 were of the gas-producing type. Analysis further showed said samples to contain 0.02 per cent and 0.12 per cent, respectively, of boric acid. The amended libel alleged that the product, after shipment by R. Smithson, Chicago, Ill., from the State of Illinois into the State of New York, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in said amended libel for the reason that said product, being an animal substance, was in whole or in part filthy, putrid, and decomposed, and because a substance, to wit, boric acid, had been mixed and packed with it so as to reduce and lower and injuriously affect the quality and strength thereof, and for the further reason that said product contained an added poisonous and deleterious ingredient which rendered it injurious to health, to wit, boric acid.

On October 17, 1910, Robert Smithson, appearing by his attorneys, filed claim, answer, exceptions, and interrogatories to the said libel.

Thereafter stipulations were entered into between counsel for the respective parties to the suit, which provided for the payment of costs by the claimant; for the withdrawal of the claim, answer, exceptions, and interrogatories to the libel; for the labeling of the product after its release so as to plainly indicate that the same is to be used only for tanners' purposes; for the release of the goods to claimant under a bond, conditioned that the product would only be used for tanners' purposes, which bond was not to be cancelled of record until claimant had furnished competent proof to the United States Attorney that the product had been used only for tanning purposes. Thereupon the court ordered the release of the product to claimant in accordance with the terms of the stipulations annexed to said order which were continued in force until the bond provided for shall have been cancelled of record. Said order further provided as a condition precedent to the release of the product that all costs of the proceedings be paid by claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

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Department of the
Agriculture
Washington, D. C.
January 25, 1912
The Honorable
The Secretary of the
Department of the
Agriculture
Washington, D. C.
Dear Sir:
The following is a
copy of the order of
the court in the
case of the
United States vs.
the American
Tanning Company,
et al., in which the
court has ordered the
release of the
goods to the
claimant, under a
bond, conditioned
that the product
would only be
used for tanners'
purposes, which
bond was not to
be cancelled of
record until
claimant had
furnished competent
proof to the
United States
Attorney that
the product had
been used only
for tanning
purposes.

Very respectfully,
James Wilson,
Secretary of Agriculture.

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